Case 5:02-cr-00010-HL Document 81 Filed 07/28/09 Page 1 of 1

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA MACON DIVISION

COREY DEWAYNE FINNEY,

:

Petitioner,

:

Case No. 5:08-CV-90013

:

Case No. 5:02-CR-10(HL)

28 U.S.C. § 2255

UNITED STATES OF AMERICA,

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:

Respondent. :

:

ORDER

Petitioner has filed a motion that is styled as a Motion to Address Clarification or Misunderstanding Order to Proceed In Forma Pauperis Reconsideration ("Motion for Recharacterization") (Doc. 73). This Motion was filed during the pendency of Petitioner's appeal from the denial of his second habeas petition. Petitioner requests that his Notice of Appeal (Doc. 60) be recharacterized as Rule 60(b) motion based on newly discovered evidence. Petitioner has not provided the Court with any legal or factual basis for recharacterizing his Notice of Appeal, nor does he state how he could possibly be entitled to any relief under Rule 60(b) even if his Notice of Appeal was recharacterized. Petitioner's Motion for Recharacterization is therefore denied.

SO ORDERED, this the 28th day of July, 2009.

<u>s/ Hugh Lawson</u>
HUGH LAWSON, Judge